

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JASON C. MOULTON,)
)
Plaintiff)
)
v.) 1:12-cv-00259-DBH
)
JOSEPH PONTE, et al.,)
)
Defendants)

RECOMMENDED DECISION

On August 27, 2012, plaintiff filed a complaint in this court listing Joseph Ponte Commissioner, Patricia Barhnart Warden and Joanna Sylvester Classification Office (MSP) as defendants. He neither paid the \$350.00 filing fee nor filed an application to proceed in forma pauperis. On August 27, 2012, U.S. Magistrate Judge Margaret Kravchuk issued an Order that plaintiff file a properly completed application for leave to proceed in forma pauperis or pay the \$350.00 filing fee by September 11, 2012, failing which the Court would issue a recommendation that the action be dismissed. As of today's date, there has been no communication from Plaintiff.

Accordingly, it is recommended that the Complaint be DISMISSED for lack of prosecution.

NOTICE

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) (1993) for which *de novo* review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de*

novo review by the district court and to appeal the district court's order.

September 21, 2012

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge